

EXHIBIT 2

1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 Case No. 09-CIV-9832 (BSJ) (RLE)
5 Case No. 09-CIV-9323 (BSJ) (RLE)

6 -----x
7 AUSTIN FENNER and IKIMULISA LIVINGSTON,

8 Plaintiffs,

9 v.

10 NEWS CORPORATION, NYP HOLDINGS, INC.,
11 d/b/a THE NEW YORK POST and DAN GREENFIELD
12 and MICHELLE GOTTHELF,

Defendants.

13 -----x
14 SANDRA GUZMAN,

Plaintiff,

15 v.

16 NEWS CORPORATION, NYP HOLDINGS, INC.,
17 d/b/a THE NEW YORK POST and COL ALLAN, in
18 his official and individual capacities,

19 Defendants.

20 -----x
21 CONFIDENTIAL

22 VIDEOTAPED DEPOSITION OF AMY SCIALDONE

23 New York, New York

Thursday, June 28, 2012

24 Reported by:

Amy A. Rivera, CSR, RPR, CLR

25 JOB NO. 51053

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 truthfully?</p> <p>3 A. No.</p> <p>4 Q. Have you consumed or taken anything</p> <p>5 today that would affect your ability to think</p> <p>6 clearly?</p> <p>7 A. No.</p> <p>8 Q. Is there any other reason that you</p> <p>9 might not be able to testify fully and truthfully</p> <p>10 today?</p> <p>11 A. No.</p> <p>12 Q. Now, I want to go over some basic</p> <p>13 ground rules for the deposition.</p> <p>14 The first thing is you need to answer</p> <p>15 verbally so we have a clear record. Is that</p> <p>16 clear?</p> <p>17 A. Yes.</p> <p>18 Q. If you want to take any breaks, that's</p> <p>19 fine, let me know when you'd like to take one for</p> <p>20 whatever reason. The only thing I would ask you</p> <p>21 if there's a question pending, that we answer the</p> <p>22 question before we take a break. Is that clear?</p> <p>23 A. Yes.</p> <p>24 Q. And please wait until I finish the</p> <p>25 question. A lot of times in conversation people</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 will jump in, but it's important that I finish my</p> <p>3 question completely before you answer. Is that</p> <p>4 clear?</p> <p>5 A. Yes.</p> <p>6 Q. The same token, I will try not to cut</p> <p>7 you off, but you might pause for a reason and you</p> <p>8 might not be done with your answer and I may begin</p> <p>9 to ask another question. So please let me know if</p> <p>10 you're not done with your answer and I start to</p> <p>11 ask something else, please let me know. Stop me</p> <p>12 and say, wait, I'm not done with my answer. I</p> <p>13 need to complete it." Is that clear?</p> <p>14 A. Yes.</p> <p>15 Q. If -- if -- if you stop and then I go</p> <p>16 on and you don't stop me, I'll have to assume that</p> <p>17 was -- that was your full answer. Is that</p> <p>18 understood?</p> <p>19 A. Yes.</p> <p>20 Q. Now, if you don't understand the</p> <p>21 question, it's no problem, just ask me to repeat</p> <p>22 it. I'll try and repeat it or rephrase it, or if</p> <p>23 you just need to have a question read back, we can</p> <p>24 have the question repeated. Is that clear?</p> <p>25 A. Yes.</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. If -- if you answer a question, it</p> <p>3 will be assumed that you understand it. So, it's</p> <p>4 important that you understand the question before</p> <p>5 you answer. Okay? Is that clear?</p> <p>6 A. Yes.</p> <p>7 Q. Now, could you describe your</p> <p>8 educational background after high school?</p> <p>9 A. I went to University -- University of</p> <p>10 Florida and received a bachelor of science in</p> <p>11 advertising and a minor in marketing.</p> <p>12 Q. Did you do any postgraduate work?</p> <p>13 A. No.</p> <p>14 Q. Have you received any other degrees</p> <p>15 other than the bachelor of science from the</p> <p>16 University of Florida?</p> <p>17 A. No.</p> <p>18 Q. Now, what is your current job</p> <p>19 assignment?</p> <p>20 A. Vice president of human resources for</p> <p>21 the New York Post.</p> <p>22 Q. And how long have you been vice</p> <p>23 president of human resources for the New York</p> <p>24 Post?</p> <p>25 A. Six and a half years.</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Are you currently head of human</p> <p>3 resources for the New York Post?</p> <p>4 MR. PIESCO: Objection.</p> <p>5 You can answer.</p> <p>6 A. Yes.</p> <p>7 Q. So, there's no one in human resources</p> <p>8 that would be above you, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Now, at one point was there a senior</p> <p>11 vice president of human resources that you</p> <p>12 reported to?</p> <p>13 A. Yeah, there was a senior vice</p> <p>14 president of human resources, marketing and</p> <p>15 digital media.</p> <p>16 Q. And you were vice president for a</p> <p>17 period of time when there was also a senior vice</p> <p>18 president that you reported to?</p> <p>19 MR. PIESCO: Objection.</p> <p>20 You can answer.</p> <p>21 A. Yes.</p> <p>22 Q. And who was that senior vice</p> <p>23 president?</p> <p>24 A. Jennifer Jehn.</p> <p>25 Q. Have your job responsibilities --</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 well, actually, strike that.</p> <p>3 When did Jennifer Jehn cease being</p> <p>4 senior vice president at New York Post?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 You can answer.</p> <p>7 A. In 2010.</p> <p>8 Q. Did your job responsibilities change</p> <p>9 in 2010 when Jennifer Jehn left?</p> <p>10 A. Yes.</p> <p>11 Q. How did they change?</p> <p>12 A. I had more broad responsibility and</p> <p>13 decision making.</p> <p>14 Q. So, at that point, you became the head</p> <p>15 of HR for the New York Post?</p> <p>16 A. Yes.</p> <p>17 Q. And did you take over all of</p> <p>18 Ms. Jehn's responsibilities with respect to human</p> <p>19 resources?</p> <p>20 A. Yeah, that's my understanding.</p> <p>21 Q. So, you've been vice president for</p> <p>22 human resources you said about six and a half</p> <p>23 years. Is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Did you work for The Post prior to</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 becoming senior -- I'm sorry, strike that.</p> <p>3 Did you work for The Post prior to</p> <p>4 becoming vice president for human resources about</p> <p>5 six and a half years ago?</p> <p>6 A. Yes.</p> <p>7 Q. What position did you have with the</p> <p>8 New York Post prior to becoming vice president for</p> <p>9 human resources?</p> <p>10 A. I was a director of training and</p> <p>11 development.</p> <p>12 Q. Director of training and development</p> <p>13 for what aspect of the company?</p> <p>14 MR. PIESCO: Objection.</p> <p>15 You can answer.</p> <p>16 A. In HR, for all aspects of the company.</p> <p>17 Q. So, you conducted HR training prior to</p> <p>18 becoming vice president of human resources?</p> <p>19 A. Yes.</p> <p>20 Q. And how long were you director of</p> <p>21 training for the New York Post?</p> <p>22 A. Approximately a year.</p> <p>23 Q. One year?</p> <p>24 Did you have any other position with</p> <p>25 the New York Post other than the two we've already</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 discussed?</p> <p>3 MR. PIESCO: Objection.</p> <p>4 You can answer.</p> <p>5 A. Yes, several.</p> <p>6 Q. Okay. What was the next most recent</p> <p>7 position you had with the New York Post before</p> <p>8 being director of training?</p> <p>9 A. Director of sales training and</p> <p>10 development within the sales organization.</p> <p>11 Q. And how long were you director of</p> <p>12 sales training?</p> <p>13 A. About a year.</p> <p>14 Q. And what was your position -- next</p> <p>15 most recent position with the New York Post before</p> <p>16 you became director of sales training?</p> <p>17 A. I was an advertising sales manager.</p> <p>18 Q. How long were you an advertising sales</p> <p>19 manager?</p> <p>20 A. Approximately 10, 11 years.</p> <p>21 Q. Did you have a position with the New</p> <p>22 York Post before you were advertising sales</p> <p>23 manager?</p> <p>24 A. Yes.</p> <p>25 Q. What was that position?</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. Advertising account executive.</p> <p>3 Q. How long were you an advertising</p> <p>4 account executive?</p> <p>5 A. A couple years.</p> <p>6 Q. Did you have any other positions with</p> <p>7 the New York Post other than those we've just</p> <p>8 covered?</p> <p>9 A. No.</p> <p>10 Q. So, how long in total have you been</p> <p>11 working for the New York Post?</p> <p>12 A. Twenty-one years.</p> <p>13 Q. Have you worked for any companies</p> <p>14 other than the New York Post?</p> <p>15 A. Can you clarify -- during the 21</p> <p>16 years?</p> <p>17 Q. Well, sure. During the 21 years, has</p> <p>18 there been any other employers you've worked for</p> <p>19 other than the New York Post?</p> <p>20 A. No.</p> <p>21 Q. Prior to coming to the New York Post,</p> <p>22 did you have any other employment?</p> <p>23 A. Yes.</p> <p>24 Q. What was the most recent company you</p> <p>25 worked for before you came to the New York Post?</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. Festival Productions.</p> <p>3 Q. What is Festival Productions.</p> <p>4 A. An entertainment company.</p> <p>5 Q. Is Festival Productions associated</p> <p>6 with News Corporation in any way?</p> <p>7 A. No.</p> <p>8 Q. How long were you at Festival</p> <p>9 Productions?</p> <p>10 A. A one-year assignment.</p> <p>11 Q. Who did you work for just prior to</p> <p>12 coming to Festival Productions?</p> <p>13 A. Scali, McCabe, Sloves Advertising</p> <p>14 Agency.</p> <p>15 Q. How long did you work for Scali,</p> <p>16 McCabe Advertising?</p> <p>17 A. Two years.</p> <p>18 Q. Did you work for anyone else prior to</p> <p>19 Scali, McCabe Advertising?</p> <p>20 A. Grey Advertising.</p> <p>21 Q. Grey Advertising?</p> <p>22 A. Yes.</p> <p>23 Q. Did you work for anyone prior to Grey</p> <p>24 Advertising?</p> <p>25 A. No.</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Is either Scali, McCabe Advertising or</p> <p>3 Grey Advertising associated with News Corp. in</p> <p>4 anyway?</p> <p>5 A. No.</p> <p>6 Q. Do you remember who first hired you to</p> <p>7 work for the New York Post?</p> <p>8 A. Gilda Hicks.</p> <p>9 Q. And is Gilda Hicks still with The</p> <p>10 Post?</p> <p>11 A. No.</p> <p>12 Q. Do you recall who promoted you from</p> <p>13 advertising account executive to advertising sales</p> <p>14 manager?</p> <p>15 A. Bob Scott.</p> <p>16 Q. Bob Stott?</p> <p>17 A. Bob Scott.</p> <p>18 Q. Scott?</p> <p>19 A. Yeah, Scott.</p> <p>20 Q. S-C-O-T-T?</p> <p>21 A. Yes.</p> <p>22 Q. And do you recall who promoted you to</p> <p>23 director of sales training?</p> <p>24 A. John Ancona.</p> <p>25 Q. Who is John Ancona?</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. The vice president of advertising.</p> <p>3 Q. For the New York Post?</p> <p>4 A. Yes.</p> <p>5 MR. PIESCO: At the time?</p> <p>6 THE WITNESS: At the time.</p> <p>7 Q. So, he's no longer vice president of</p> <p>8 advertising?</p> <p>9 A. Correct.</p> <p>10 Q. Is he -- John Ancona still with the</p> <p>11 New York Post?</p> <p>12 A. No.</p> <p>13 Q. And do you recall who promoted you to</p> <p>14 director of training?</p> <p>15 A. I don't.</p> <p>16 Q. Okay. Would it have been Jennifer</p> <p>17 Jehn?</p> <p>18 A. No.</p> <p>19 Q. Could you describe for me your basic</p> <p>20 job responsibilities when you were director of</p> <p>21 training for the New York Post?</p> <p>22 A. In the HR department?</p> <p>23 Q. Right.</p> <p>24 A. Right. I was looking at the entire</p> <p>25 organization and how we can implement training</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 initiatives, similar things we did in the sales</p> <p>3 team, to expand them out through the organization.</p> <p>4 Q. What kind of training initiatives are</p> <p>5 you talking about?</p> <p>6 A. It began with management essentials</p> <p>7 training.</p> <p>8 Q. Okay. Anything else?</p> <p>9 A. I was doing assessments on what the</p> <p>10 needs were at that point.</p> <p>11 Q. When you were director of training for</p> <p>12 HR at the New York Post, did you conduct any</p> <p>13 training on harassment in the workplace?</p> <p>14 MR. PIESCO: Objection.</p> <p>15 You can answer.</p> <p>16 A. No.</p> <p>17 Q. When you were director of training in</p> <p>18 HR for the New York Post, did you conduct any</p> <p>19 training with respect to discrimination in the</p> <p>20 workplace?</p> <p>21 MR. PIESCO: Objection.</p> <p>22 You can answer.</p> <p>23 A. No, not personally.</p> <p>24 Q. When you were director of training,</p> <p>25 did you conduct any training of employees with</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 respect to retaliation in the workplace?</p> <p>3 MR. PIESCO: Objection.</p> <p>4 You can answer.</p> <p>5 A. No, I didn't personally.</p> <p>6 Q. When you were director of training, do</p> <p>7 you know if anyone conducted training of New York</p> <p>8 Post employees with respect to The Post policy</p> <p>9 towards harassment in the workplace?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 You can answer.</p> <p>12 A. Yes.</p> <p>13 Q. Who was that person or persons?</p> <p>14 A. My legal counsel, Jordan Lippner.</p> <p>15 Q. Was there anyone else?</p> <p>16 A. No.</p> <p>17 Q. Just to clarify, was there anyone also</p> <p>18 you know of or do you know if there was anyone</p> <p>19 else other than Jordan Lippner who conducted</p> <p>20 training on harassment in the workplace?</p> <p>21 MR. PIESCO: Objection.</p> <p>22 You can answer.</p> <p>23 A. While I was the director?</p> <p>24 Q. Right, when you were the director.</p> <p>25 A. When I was the director, Jordan</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 conducted the training for harassment.</p> <p>3 Q. Who promoted you to vice president of</p> <p>4 human resources?</p> <p>5 A. Jennifer Jehn.</p> <p>6 Q. And who do you report to now?</p> <p>7 A. Paul Carlucci.</p> <p>8 Q. Do you know if there were any</p> <p>9 discussions when Jennifer Jehn left as to whether</p> <p>10 or not there would be another senior vice</p> <p>11 president appointed to take over her role in HR?</p> <p>12 MR. PIESCO: Objection.</p> <p>13 A. No.</p> <p>14 Q. Was there ever any discussion as far</p> <p>15 as you know of promoting you to senior vice</p> <p>16 president of HR?</p> <p>17 MR. PIESCO: Objection.</p> <p>18 A. No.</p> <p>19 Q. And do you currently report to Paul</p> <p>20 Carlucci?</p> <p>21 A. Yes.</p> <p>22 Q. Who is Paul Carlucci?</p> <p>23 A. The publisher of the New York Post.</p> <p>24 Q. And who does Paul Carlucci report to?</p> <p>25 A. I don't know.</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Do you know who Paul Carlucci works</p> <p>3 for?</p> <p>4 MR. PIESCO: Objection.</p> <p>5 A. No.</p> <p>6 Q. Do you know if he is an employee of</p> <p>7 some division or subsidiary of News Corporation?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 A. I don't know exactly.</p> <p>10 Q. I didn't ask you exactly, I'm merely</p> <p>11 asking you do you know if he works for some</p> <p>12 company affiliated with News Corporation?</p> <p>13 MR. PIESCO: Objection.</p> <p>14 A. I know he works for the New York Post</p> <p>15 and News America Marketing.</p> <p>16 Q. So, Paul Carlucci works for News</p> <p>17 America Marketing?</p> <p>18 MR. PIESCO: Objection.</p> <p>19 A. Yes.</p> <p>20 Q. And is News America Marketing</p> <p>21 affiliated with News Corporation in any way?</p> <p>22 MR. PIESCO: Objection.</p> <p>23 A. It's my understanding they're a</p> <p>24 subsidiary.</p> <p>25 Q. Do you have any idea why Paul</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Carlucci, the publisher of The Post, is employed</p> <p>3 by News America Marketing?</p> <p>4 MR. PIESCO: Objection.</p> <p>5 A. I don't know who Paul's employed by.</p> <p>6 Q. I thought you just said that Paul</p> <p>7 Carlucci works for News America Marketing?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 A. Paul's the publisher of the New York</p> <p>10 Post and oversees News America Marketing.</p> <p>11 Q. And he --</p> <p>12 A. That's my understanding --</p> <p>13 Q. -- he oversees --</p> <p>14 A. -- if I misspoke.</p> <p>15 Q. He oversees News America Marketing.</p> <p>16 MR. CLARK: Now, could you read back</p> <p>17 the -- the answer about -- about two</p> <p>18 questions ago on News America Marketing?</p> <p>19 (Record read.)</p> <p>20 BY MR. CLARK:</p> <p>21 Q. Okay. So, you testified a minute ago</p> <p>22 that Paul Carlucci works for News America</p> <p>23 Marketing. Is that correct?</p> <p>24 A. That's my understanding.</p> <p>25 Q. Okay.</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 And do you have any understanding as</p> <p>3 to why the publisher of the New York Post works</p> <p>4 for News America Marketing?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 A. No.</p> <p>7 Q. Do you know what Paul Carlucci's role</p> <p>8 at the paper is?</p> <p>9 MR. PIESCO: Objection.</p> <p>10 A. At the New York Post?</p> <p>11 Q. Right. Actually, let me rephrase</p> <p>12 that.</p> <p>13 As the publisher, what -- what is the</p> <p>14 role of publisher at the New York Post?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 If you know.</p> <p>17 A. I don't know.</p> <p>18 Q. You don't know any of his job</p> <p>19 responsibilities?</p> <p>20 MR. PIESCO: Objection.</p> <p>21 Don't guess.</p> <p>22 A. No.</p> <p>23 Q. Does Paul Carlucci ultimately oversee</p> <p>24 human resources decisions made at The Post?</p> <p>25 MR. PIESCO: Objection.</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. I don't know.</p> <p>3 Q. Have you ever gone to Paul Carlucci</p> <p>4 for a decision about human resources?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 A. Yes.</p> <p>7 Q. So, at least in some instances, Paul</p> <p>8 Carlucci had a say after you about human resources</p> <p>9 decision, correct?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 Mischaracterization of the testimony.</p> <p>12 Q. Would you agree with that?</p> <p>13 A. Can you repeat the question, please?</p> <p>14 MR. CLARK: Could you read that back?</p> <p>15 (Record read.)</p> <p>16 MR. PIESCO: Please note my objection.</p> <p>17 A. Yes.</p> <p>18 Q. Now, in your -- when you became --</p> <p>19 when -- I'm sorry.</p> <p>20 When you were vice president of human</p> <p>21 resources but before Ms. Jehn left, could you</p> <p>22 describe your job responsibilities during that</p> <p>23 period of time?</p> <p>24 A. I was overseeing the HR team. We had</p> <p>25 created a sales development program and</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 implemented it. We had created and implemented</p> <p>3 performance appraisals. We delivered training.</p> <p>4 We did recruiting.</p> <p>5 Q. Anything else?</p> <p>6 A. Those are the major pieces.</p> <p>7 Q. Who made the decision to implement</p> <p>8 performance appraisals?</p> <p>9 A. Paul.</p> <p>10 Q. Paul Carlucci?</p> <p>11 A. Yes.</p> <p>12 Q. And when was that decision made to</p> <p>13 implement performance appraisals?</p> <p>14 A. I don't know.</p> <p>15 Q. When you were involved in recruiting</p> <p>16 in the period we just talked about, that is when</p> <p>17 you were vice president but before Ms. Jehn left,</p> <p>18 were you involved in any attempt to recruit</p> <p>19 minorities for the paper?</p> <p>20 MR. PIESCO: Objection.</p> <p>21 You can answer.</p> <p>22 A. All the recruiting we do, we follow</p> <p>23 our equal opportunity -- we're an equal</p> <p>24 opportunity employer, so we follow that guideline.</p> <p>25 And when we advertise, we advertise en masse</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 locations to make sure that we're reaching people</p> <p>3 who are interested in our jobs and the best</p> <p>4 qualified candidates.</p> <p>5 Q. Have you made -- again, though, when</p> <p>6 you were in this position and involved in</p> <p>7 recruiting, do you know of any efforts</p> <p>8 specifically to recruit minorities to work for the</p> <p>9 paper?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 A. We also attended -- I had someone on</p> <p>12 my team attend the National Association of Black</p> <p>13 Journalists Convention. We hosted interns from</p> <p>14 high school who could further stay in touch and</p> <p>15 develop.</p> <p>16 MR. PIESCO: You need to speak up</p> <p>17 because I can't --</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. PIESCO: -- with the nose outside.</p> <p>20 I'm having trouble.</p> <p>21 I'm sorry, Paul.</p> <p>22 MR. CLARK: That's fine. It does tend</p> <p>23 to get noisy here.</p> <p>24 Q. But please continue. You were talking</p> <p>25 you hosted interns?</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. I don't know that.</p> <p>3 Q. Okay. Col Allan -- "he" being Col</p> <p>4 Allan.</p> <p>5 Do you know if Dan Greenfield has</p> <p>6 taken COMPASS?</p> <p>7 A. I don't recall.</p> <p>8 Q. Do you know if Dan Greenfield has</p> <p>9 reviewed the standards of business conduct?</p> <p>10 A. I don't know.</p> <p>11 Q. Do you know if Michelle Gotthelf has</p> <p>12 taken COMPASS?</p> <p>13 A. I don't recall.</p> <p>14 Q. Do you know if Michelle Gotthelf has</p> <p>15 reviewed the standards of business conduct?</p> <p>16 A. I don't know.</p> <p>17 Q. Have you ever personally trained New</p> <p>18 York Post employees about how to file a complaint</p> <p>19 of employment discrimination?</p> <p>20 MR. PIESCO: Objection.</p> <p>21 Paul -- Paul, you want to read that</p> <p>22 one and try it again?</p> <p>23 MR. CLARK: Can you read it back?</p> <p>24 (Record read.)</p> <p>25</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 BY MR. CLARK:</p> <p>3 Q. Go ahead.</p> <p>4 MR. PIESCO: Objection.</p> <p>5 MR. CLARK: I don't know what your</p> <p>6 objection is.</p> <p>7 A. Can you define "trained," "personally</p> <p>8 trained"?</p> <p>9 MR. PIESCO: Can you define</p> <p>10 "complaint."</p> <p>11 I mean, train them to go file a</p> <p>12 corporate complaint against The Post?</p> <p>13 MR. CLARK: No. There are other</p> <p>14 types -- there are other types of</p> <p>15 complaints.</p> <p>16 MR. PIESCO: I -- I get that. I'm</p> <p>17 just -- I will object to the question.</p> <p>18 I'm sorry. Answer it, if you</p> <p>19 understand it.</p> <p>20 Q. You said -- you said you provided</p> <p>21 training, correct, ma'am?</p> <p>22 A. Yes.</p> <p>23 Q. All I want to know is have you</p> <p>24 provided training to employees on how to make a</p> <p>25 complaint or an allegation of harassment in the</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 workplace?</p> <p>3 MR. PIESCO: Objection.</p> <p>4 You can answer.</p> <p>5 A. In training, we let people know they</p> <p>6 should be coming to HR if they have a complaint of</p> <p>7 any kind, in the standards of business conduct, in</p> <p>8 the policies, it states the same thing, and that</p> <p>9 there's an alert line.</p> <p>10 Q. Have you personally provided that</p> <p>11 training to New York Post employees?</p> <p>12 MR. PIESCO: Objection.</p> <p>13 You can answer.</p> <p>14 A. In the -- in the management training,</p> <p>15 I have.</p> <p>16 Q. Describe for me what you tell</p> <p>17 employees about how they should make the complaint</p> <p>18 about discrimination in the workplace.</p> <p>19 MR. PIESCO: Objection.</p> <p>20 A. In the training for the managers, we</p> <p>21 tell them if they are aware of a complaint, that</p> <p>22 they should call us, call our legal counsel, or</p> <p>23 the alert line, and make us aware of it.</p> <p>24 Q. And when you say, "our legal counsel,"</p> <p>25 are you referring to Jordan Lippner?</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. Yes.</p> <p>3 Q. Would there be other attorneys other</p> <p>4 than Jordan Lippner they could complain to?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 A. I don't know.</p> <p>7 Q. And what is the "alert line"?</p> <p>8 A. It's a confidential number that</p> <p>9 employees are made aware of if they have any</p> <p>10 complaints.</p> <p>11 Q. How are employees made aware of this</p> <p>12 confidential number?</p> <p>13 A. It's listed in the standards of</p> <p>14 business conduct.</p> <p>15 Q. So, if an employee wanted to know what</p> <p>16 number to call, they would look in the standards</p> <p>17 of business conduct?</p> <p>18 A. Yes.</p> <p>19 Q. Is this alert line operated by the New</p> <p>20 York Post?</p> <p>21 A. No.</p> <p>22 Q. Who is it operated by?</p> <p>23 A. I don't know who it's operated by.</p> <p>24 Q. Is it operated by News Corporation?</p> <p>25 MR. PIESCO: Objection.</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 A. I don't know who it's operated by.</p> <p>3 Q. Is it operated by an entity associated</p> <p>4 with News Corporation?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 A. I don't know who it's operated by.</p> <p>7 Q. You don't know whether it's operated</p> <p>8 by any entity associated with News Corporation?</p> <p>9 MR. PIESCO: Objection.</p> <p>10 A. I don't know who it's operated by.</p> <p>11 Q. That's not the question. I mean, I</p> <p>12 assume what you're saying is you don't know</p> <p>13 specifically.</p> <p>14 A. I don't know.</p> <p>15 Q. So, you don't know if it is operated</p> <p>16 by a company associated with News Corporation?</p> <p>17 MR. PIESCO: Objection.</p> <p>18 How many times do you want her to</p> <p>19 answer?</p> <p>20 MR. CLARK: That's a yes-or-no</p> <p>21 question. She answered it --</p> <p>22 MR. PIESCO: She did. She said, I</p> <p>23 don't know three times. I'm looking at it.</p> <p>24 I don't know, I don't know, I don't know.</p> <p>25</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 BY MR. CLARK:</p> <p>3 Q. So, your answer is no, you don't know</p> <p>4 whether it's associated with News Corporation?</p> <p>5 MR. PIESCO: Objection.</p> <p>6 Either you know or you don't know.</p> <p>7 A. I don't know.</p> <p>8 Q. It's a yes or a no, either you know or</p> <p>9 you don't?</p> <p>10 A. I don't know.</p> <p>11 MR. PIESCO: Would you mind if we take</p> <p>12 a break?</p> <p>13 MR. CLARK: No, that's fine.</p> <p>14 How long do you need?</p> <p>15 MR. PIESCO: Two minutes? Five</p> <p>16 minutes? I just need to use the restroom.</p> <p>17 VIDEOGRAPHER: The time is 11:10 a.m.</p> <p>18 We're off the record.</p> <p>19 (Recess.)</p> <p>20 VIDEOGRAPHER: The time is 11:17 a.m.</p> <p>21 We're on the record.</p> <p>22 BY MR. CLARK:</p> <p>23 Q. Ms. Scialdone, when --</p> <p>24 A. Yeah.</p> <p>25 Q. -- we took our break, we were</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 discussing ways employees could complain about</p> <p>3 harassment in the workplace, and I want to make</p> <p>4 sure we've covered all of those.</p> <p>5 I think you mentioned a couple. You</p> <p>6 mentioned calling alert line, speaking to legal</p> <p>7 counsel. Are there any other ways consistent with</p> <p>8 the New York Post policy that employees could</p> <p>9 complain about harassment in the workplace?</p> <p>10 MR. PIESCO: Objection.</p> <p>11 She -- she also testified coming to</p> <p>12 HR.</p> <p>13 THE WITNESS: Yeah, I was going to</p> <p>14 clarify that.</p> <p>15 MR. PIESCO: That's okay.</p> <p>16 Go ahead.</p> <p>17 Q. Okay, good. So -- so, coming to -- to</p> <p>18 human resources department would be another way?</p> <p>19 A. Yes, and their manager directly, or a</p> <p>20 supervisor.</p> <p>21 Q. Or their -- have -- it would have to</p> <p>22 be their direct supervisor or would coming to any</p> <p>23 supervisor be appropriate?</p> <p>24 A. They could go to any supervisor --</p> <p>25 supervisor.</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 Q. Okay. Are that any other ways that an</p> <p>3 employee -- that -- strike that.</p> <p>4 Are there any other ways available</p> <p>5 under the New York Post policies for an employee</p> <p>6 to make a complaint about harassment in the</p> <p>7 workplace?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 You can answer.</p> <p>10 A. Those are the ones we discussed.</p> <p>11 Q. There's no others -- no others you can</p> <p>12 think of today?</p> <p>13 MR. PIESCO: Objection. Asked and</p> <p>14 answered.</p> <p>15 A. No.</p> <p>16 Q. Now, would that same -- those same</p> <p>17 paths apply to complaints of retaliation in the</p> <p>18 workplace?</p> <p>19 MR. PIESCO: Objection.</p> <p>20 You can answer.</p> <p>21 A. Yes.</p> <p>22 Q. So, in 2009, was Jennifer Jehn one of</p> <p>23 the people that it would be appropriate to</p> <p>24 complain to about discrimination in the workplace?</p> <p>25 MR. PIESCO: Objection.</p>

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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 You can answer.</p> <p>3 A. If an employee had any complaint, they</p> <p>4 could go to Jennifer Jehn, yes.</p> <p>5 Q. And would -- would you have been</p> <p>6 another person that an employee could complain to</p> <p>7 about discrimination in the workplace?</p> <p>8 MR. PIESCO: Objection.</p> <p>9 You can answer.</p> <p>10 A. Yes.</p> <p>11 MR. CLARK: I'd like to mark this as</p> <p>12 Exhibit 1 -- Scialdone 1.</p> <p>13 (Exhibit Scialdone 1, a newspaper</p> <p>14 cartoon printout dated February 18, 2009,</p> <p>15 was marked for identification at this time.)</p> <p>16 BY MR. CLARK:</p> <p>17 Q. Ms. Scialdone, we've just marked as</p> <p>18 Exhibit 1 a page that has a cartoon on it, and the</p> <p>19 page is dated February 18, 2009.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever seen this cartoon</p> <p>23 before?</p> <p>24 A. Yes.</p> <p>25 Q. Is this a cartoon that ran in the New</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 York Post in February 2009?</p> <p>3 A. That's what the date states, yes.</p> <p>4 Q. Do you have any reason to think that</p> <p>5 date's not correct?</p> <p>6 A. I can't hear you with the trucks. I'm</p> <p>7 sorry --</p> <p>8 Q. I'm sorry --</p> <p>9 A. -- can you repeat that?</p> <p>10 Q. -- do you have any reason to think</p> <p>11 that date is incorrect?</p> <p>12 A. No.</p> <p>13 Q. When was the first time you saw this</p> <p>14 cartoon?</p> <p>15 A. I don't recall.</p> <p>16 Q. Did you see it before it was published</p> <p>17 in the paper?</p> <p>18 A. No.</p> <p>19 Q. Do you recall if you saw it the day it</p> <p>20 was published?</p> <p>21 A. I don't recall.</p> <p>22 Q. What was your reaction the first time</p> <p>23 you saw the cartoon?</p> <p>24 MR. PIESCO: Objection.</p> <p>25 A. I don't recall. I was on vacation. I</p>
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<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 can't -- I don't recall the first time I saw it or</p> <p>3 what my reaction was.</p> <p>4 Q. Okay. So, you were on vacation on</p> <p>5 February 18, 2009?</p> <p>6 A. Yes.</p> <p>7 Q. When did you come back from vacation?</p> <p>8 A. The following week.</p> <p>9 Q. And did you learn about the cartoon</p> <p>10 before you returned from vacation?</p> <p>11 A. Yes.</p> <p>12 Q. How did you learn about the cartoon</p> <p>13 being published?</p> <p>14 A. On the radio.</p> <p>15 Q. Do you recall when that was?</p> <p>16 A. It may have been that afternoon that</p> <p>17 it ran.</p> <p>18 Q. And what did you hear on the radio</p> <p>19 that -- that first time when you learned about the</p> <p>20 cartoon?</p> <p>21 A. I don't recall exactly, but that there</p> <p>22 was concern about it.</p> <p>23 Q. What kind of concern?</p> <p>24 A. I don't recall exactly.</p> <p>25 Q. As you sit here today, do you find</p>	<p>1 AMY SCIALDONE - CONFIDENTIAL</p> <p>2 this cartoon to be personally offensive to you?</p> <p>3 MR. PIESCO: Objection.</p> <p>4 You can answer.</p> <p>5 A. No.</p> <p>6 Q. You don't believe this cartoon is</p> <p>7 offensive --</p> <p>8 MR. PIESCO: Objection.</p> <p>9 Q. -- in your opinion?</p> <p>10 MR. PIESCO: Asked and answered.</p> <p>11 A. No.</p> <p>12 Q. Are you aware of the history of</p> <p>13 African Americans being depicted as chimpanzees</p> <p>14 and apes?</p> <p>15 MR. PIESCO: Objection.</p> <p>16 A. No.</p> <p>17 Q. No, you're not aware of that?</p> <p>18 A. No.</p> <p>19 Q. As you sit here today, you do not know</p> <p>20 that African Americans have been depicted as</p> <p>21 chimpanzees?</p> <p>22 MR. PIESCO: Objection. Asked and</p> <p>23 answered.</p> <p>24 A. No.</p> <p>25 Q. Prior to returning from vacation, did</p>

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1 AMY SCIALDONE - CONFIDENTIAL
 2 Q. Are there any written guidelines that
 3 say that a written warning must be considered in
 4 an APA?
 5 A. Not a written warning, but it says to
 6 take into consideration all things that have
 7 happened throughout the year.
 8 MR. CLARK: Could we mark this as --
 9 is this 4?
 10 (Exhibit Scialdone 4, a memo dated
 11 January 27, 2009 bearing Bates stamp SG 177
 12 and SG 178, was marked for identification at
 13 this time.)
 14 MR. PIESCO: I don't know if this is
 15 one document.
 16 MR. CLARK: I'm going to ask her about
 17 that. I don't know if this is one document
 18 but we'll ask her about that.
 19 MR. PIESCO: Okay.
 20 MR. CLARK: Well, they're
 21 consecutively dated, so -- but anyway, let
 22 me ask the witness about it.
 23 THE WITNESS: Consecutively dated?
 24 MR. CLARK: It's not numbered.
 25 MR. PIESCO: All right.

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1 AMY SCIALDONE - CONFIDENTIAL
 2 A. No.
 3 Q. No, you don't know, or no, it was not?
 4 A. No, I don't -- I don't recall that. I
 5 don't recall it being attached.
 6 Q. Okay. Did you have any role in
 7 drafting this written warning?
 8 A. Yes.
 9 Q. What was your role?
 10 A. I worked with Mr. Rabinowitz and
 11 legal.
 12 MR. PIESCO: Just remind the witness
 13 not to discuss anything that was discussed
 14 with either in-house or outside counsel with
 15 respect to this document or the creation
 16 thereof.
 17 Thank you.
 18 Q. Who wrote the first draft of this
 19 memo?
 20 MR. PIESCO: Objection.
 21 THE WITNESS: Is that privileged?
 22 MR. PIESCO: No.
 23 MR. LIPPNER: If you know.
 24 MR. PIESCO: If you know, and by who,
 25 it could be more than one person.

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1 AMY SCIALDONE - CONFIDENTIAL
 2 BY MR. CLARK:
 3 Q. Okay. So, Ms. Scialdone, the first
 4 page -- and these are two pages that are Bates
 5 stamped SG 177 and SG 178.
 6 Have you seen the first document
 7 before?
 8 A. Yes.
 9 Q. And is this the written warning you
 10 were referring to earlier?
 11 A. Yes.
 12 Q. And you see you're cc'd on that?
 13 A. Yes.
 14 Q. Now, the first question I have,
 15 there's -- there's a second page to it, I'm just
 16 not clear -- do you know if the second page of
 17 this, which is marked "company policies," was
 18 attached to this written warning?
 19 MR. PIESCO: Objection to form.
 20 It's the second page.
 21 MR. CLARK: The second page of the
 22 exhibit.
 23 MR. PIESCO: Okay.
 24 Q. Do you know if it was attached to this
 25 written warning?

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1 AMY SCIALDONE - CONFIDENTIAL
 2 A. I don't -- I don't recall.
 3 Q. Okay. Did you -- did you draft --
 4 sorry.
 5 Did you do the first draft of this
 6 memo?
 7 A. I don't recall.
 8 Q. Do you recall reviewing a memo after a
 9 memo had been drafted?
 10 MR. PIESCO: Objection.
 11 A. I don't recall.
 12 Q. Can you say anything more about your
 13 role with respect to this memo?
 14 I mean, what -- what did you do?
 15 A. I gathered the information and spoke
 16 with the manager and I spoke with counsel.
 17 Q. What information did you gather?
 18 A. Make sure I understood what the
 19 situation was and the information regarding what
 20 she violated.
 21 Q. And what was your conclusion as to
 22 what she violated?
 23 A. The conflicts of interest in our
 24 standards of business conduct.
 25 Q. Now, looking at the second page -- and